

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 2:92-cr-00329-02

WENDELL SERGEANT,

Defendant.

MEMORANDUM OPINION AND JUDGMENT ORDER

On March 17, 2008, the Defendant filed a motion [Docket 97], pursuant to 18 U.S.C. § 3582(c)(2), to reduce his sentence based on the retroactive crack cocaine amendment to the United States Sentencing Guidelines. By *Memorandum Opinion and Judgment Order* [Docket 108] entered on July 14, 2009, the Court denied the Defendant's motion on the grounds that the Defendant was sentenced as a career offender and is, therefore, ineligible for a sentence reduction.

On September 8, 2009, the Defendant filed a subsequent motion to reduce sentence [Docket 119]. In connection with the same, the Defendant also filed a motion for disclosure of the supplemental addendum [Docket 118] and a motion for transcripts at government expense [Docket 121].

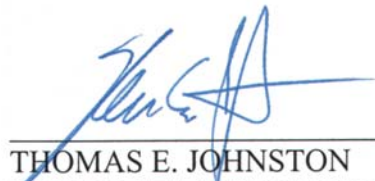
In his pending motion to reduce sentence, the Defendant again moves for a reduction of his sentence pursuant to 18 U.S.C. § 3582(c)(2), based on the retroactive crack cocaine amendment to the sentencing guidelines. Accordingly, the Court treats the motion [Docket 119] as a motion to reconsider its July 14, 2009 ruling.

The Court **FINDS** that the Defendant has cited no new grounds to support his argument that he is eligible for a sentence reduction. Accordingly, for the reasons more fully stated in the Court's July 14, 2009 *Memorandum Opinion and Judgment Order* [Docket 108], the Court **FINDS** that the Defendant is ineligible for a sentence reduction. Accordingly, the Defendant's motion for reconsideration (titled *Motion to Reduce Sentence*) [Docket 119] is **DENIED**.

The Defendant's motion for disclosure of the supplemental addendum [Docket 118] and motion for transcripts at government expense [Docket 121] are, likewise, **DENIED**.

The Court **DIRECTS** the Clerk to send a copy of this Order to Defendant and counsel, the United States Attorney, the United States Probation Office, and the United States Marshals.

ENTER: November 3, 2009



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE